

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------|---|-----------------|
| UNITED STATES OF AMERICA | : | |
| | : | CRIMINAL ACTION |
| v. | : | |
| | : | |
| VINCENT J. FUMO | : | NO. 06-319 |

MEMORANDUM AND ORDER

Before the court is the defendant's motion for correction of sentence. All of those issues have been clarified in the judgment order handed down this day.

Briefly, the court has ordered as follows:

1. The fine is as stated, \$411,000 – \$3,000 per count.
2. All fines and restitution are to be paid in full by December 31, 2009. Post-judgment interest will be assessed as provided by law.
3. Restitution to Citizens Alliance is in the amount of \$676,519.98, plus pre-judgment interest as set forth in the judgment order.
4. Restitution to Independence Seaport Museum is set forth in the judgment order in the amount of \$114,531.88, plus pre-judgment interest as set forth in the judgment order.
5. The court has directed in the judgment order that restitution be paid proportionately as received to the Independence Seaport Museum, Citizens Alliance, and the Senate.

6. The judgment order correctly states the term of sentence with respect to each count.

7. The government correctly states that the court announced it was granting a departure. Thereafter, the court never enunciated the guideline level to which it departed, and, in fact, never reached the sentence it did by consulting any specific level on the guideline chart.

The final issue before the court is the matter of pre-judgment interest. The defendant is incorrect to suggest that the procedural posture of this case prevents the court from determining this issue. Case law does generally support the granting of pre-judgment interest, the amount of which are set forth on page 5 of the judgment order.

AND NOW, this 23rd day of *July*, 2009, in view of the judgment order entered this day addressing all the issues raised by the motion, it is hereby **ORDERED** that defendant's motion for correction of sentence is **DISMISSED** as **MOOT**. The government's motion for pre-judgment interest is **GRANTED**, as aforesaid.

BY THE COURT:

Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.